

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on April 16, 2007. At the time the Examiner mailed the Office Action claims 1-4, 6-14 and 16-19 were pending. By way of the present response the Applicants have: 1) amended claims 1, 10, and 14; 2) added no new claims; and 3) canceled no claims. As such, claims 1-4, 6-14, and 16-19 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 U.S.C. 103(a) Rejections

Claims 1, 3, 6-11, 14, and 16-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Buternowsky et al., U.S. Patent 6,088,407 (hereinafter "Buternowsky") in view of Ishizaki, et al., U.S. Patent 5,274,388 (hereinafter "Ishizaki").

Claims 2, 4, 12-13, and 18-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Buternowsky in view of Ishizaki and Ying, U.S. Patent 6,697,020 (hereinafter "Ying").

In order to establish a prima facie case of obviousness:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when

combined) must teach or suggest all the claim limitations.” In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP) §2143. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. MPEP 2143.01(VI). It is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983), MPEP 2145(X)(D)(2).

With respect to independent claim 1, Applicant teaches and claims: “An apparatus, comprising: a first antenna coupled to a first receiver, wherein the first receiver comprises a first low noise amplifier (LNA) having an input terminal coupled to the first antenna and an output terminal coupled to a first mixer; and a second antenna coupled to a second receiver and having a radiation pattern different than a radiation pattern of the first antenna, wherein the second receiver comprises a second low noise amplifier (LNA) having an input terminal coupled to the second antenna and an output terminal coupled to a second mixer; a voltage controlled oscillator (VCO) coupled to the first mixer and to the second mixer, wherein the first antenna and the second antenna are part of a wireless communication device, wherein the first antenna is configured as a transmit and receive antenna, and wherein the second antenna is configured as a receive only antenna.”

Neither Buternowsky nor Ishizaki teach or suggest “wherein the first antenna is configured as a transmit and receive antenna, and wherein the second antenna is configured as a receive only antenna.” Ishizaki teaches only antennas configured as receive only antennas (Fig. 1). Buternowsky teaches that the antennas 122 in the microdiversity receiver 126 (Figs. 1-2) are receive only antennas. Transmission of the

paging signals of Buternowsky is performed by transmitter 106 and its associated transmission antenna (Fig. 1, col. 5 lines 20-30). Thus, Buternowsky and Ishizaki do not teach or suggest all claim limitations.

Furthermore, while Ishizaki does teach a wireless communication device (Abstract), one skilled in the art would not use the antenna/receiver configuration described by Buternowsky in the portable device of Ishizaki because Buternowsky requires that the receiving antennas be separated by a distance greater than one wavelength of the received radio response signal. Col. 6, lines 46-50. Buternowsky states that “in a representative installation, the antennas may be spaced about twenty feet apart, several wavelengths for a representative response transmission frequency of 900 MHz.” Emphasis added. Col. 6, lines 56-58. Thus, Buternowsky teaches away from using the disclosed antenna/receiver configuration in a portable device, because wireless communication devices and portable telephone equipment are typically much smaller than twenty feet in size. Moreover, modifying the teachings of Buternowsky such that the antennas are located much closer than twenty feet apart would change the principle of operation of Buternowsky because Buternowsky relies on the distance between antennas to keep the correlation of the two received signals low. Col. 6, line 59. Thus, because Buternowsky teaches away from including the antennas in a portable device and also because modifying the teachings of Buternowsky such that the antennas are located much closer than twenty feet apart would change the principle of operation of Buternowsky, a *prima facie* case of obviousness has not been established. Applicant respectfully submits that claim 1 is in condition for allowance.

Pending independent claims 10 and 14 recite limitations that are similar to the limitations of claim 1, although some differences may exist among the limitations of the

other pending independent claims. These similar limitations nevertheless patentably distinguish claims 10 and 14 over Buternowsky in view of Ishizaki for at least the reasons set forth above with respect to claim 1. Thus, Applicant respectfully submits that a prima facie case of obviousness has not been established for claims 10 and 14 and that these claims are in condition for allowance.

Claims 2-4 and 6-9 are dependent on claim 1. Claims 11-13 are dependent on claim 10. Claims 16-19 are dependent on claim 14. Thus, for at least the same reasons advanced above with respect to independent claims 1, 10, and 14, Applicant respectfully submits that a prima facie case of obviousness has not been established for dependent claims 2-4, 6-9, 11-13, and 16-19.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 50-0221. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Cyndi M. Wheeler at (916) 356-5358.

Respectfully Submitted,

Date: July 11, 2007

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